

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WEBMAP TECHNOLOGIES LLC,

v.

CITY ACCOMODATIONS NETWORK, INC.;
ET AL.

No. 2:09-CV-0343-DF-CE

JURY

JOINT MOTION TO MODIFY DOCKET CONTROL ORDER

Plaintiff WebMap Technologies LLC (“WebMap”) and Defendants Google Inc., Yahoo! Inc., and Zagat Survey LLC (collectively “the moving parties”) respectfully file this Joint Motion To Modify Docket Control Order (Docket No. 167).

The moving parties respectfully request that the Court extend the date for the Claim Construction Hearing in this case six months, from November 4, 2010, to a date in May 2011, or anytime thereafter that is convenient for the Court. This extension will not affect pretrial and trial dates. Once the Court resets the date for the hearing, all current parties in this case will meet and confer to prepare a revised schedule based on the new hearing date and will then submit that revised schedule to the Court for the Court’s consideration. The moving parties further agree that all dates regarding claim construction shall be postponed during the pendency of this Joint Motion, subject to the Court’s approval.

The basis for this Joint Motion is that on June 10, 2010, WebMap filed a Fourth Amended Complaint that added multiple new defendants. (Docket No. 175.).¹ These new defendants must participate in the claim construction process, which necessitates extending the

¹ WebMap added Garmin International, Inc., Garmin, LTD and Garmin USA, Inc. (collectively “Garmin”); Gusto LLC, Gusto.com, Inc. and Gusto.com, LLC (collectively “GUSTO”); MapMyFitness, Inc.; Mashup Technologies, LLC; The New York Times Company; Nike, Inc.; TomTom International BV, TomTom, Inc., and TomTom NV (collectively “TomTom”); and YouMu, Inc.

date of the current Claim Construction Hearing and accompanying dates. Specifically, the new defendants need time to secure counsel, analyze the claims, and prepare responses before they can participate in any meaningful way in claim construction. Under the current schedule, this will be impossible because certain key dates (e.g., the June 14, 2010 deadline for an exchange of proposed terms and claim elements for construction) have already passed. Other important dates are imminent: the deadline for an exchange of preliminary claim constructions is July 9, 2010, and the deadline for a joint claim construction and prehearing statement is August 2, 2010.

If the schedule is not changed, the Court and the parties may be required to have a duplicative and wasteful claim construction process. In contrast, a six-month extension of time will not pose any burden on this case, especially since this extension will not necessitate a change in the 2012 trial date.² The Court's extension of the claim construction hearing will ensure that there is one claim construction process in which all parties — i.e., WebMap, the original defendants remaining in the case, and the newly added defendants — can participate, and will provide all parties with sufficient time to meet and confer to prepare and propose a revised schedule based on the new hearing date. Accordingly, the moving parties³ respectfully request that the Court extend the date for the claim construction hearing from November 4, 2010, to a date in May 2011 or anytime thereafter that is convenient for the Court.

Dated: July 6, 2010

Respectfully submitted,

/s/ John J. Edmonds

² The Court's Final Pretrial Conference is scheduled for March 5, 2012, with trial to be scheduled thereafter in 2012.

³ None of the new defendants has yet appeared in the case. Further, a number of defendants recently reached accords with WebMap, and they will shortly be dismissed with prejudice. Accordingly, the moving parties constitute all parties who have to date appeared, and who will be remaining in the case.

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CERTIFICATE OF CONFERENCE

This motion is jointly submitted by Plaintiff and all Defendants who have so far appeared in the case (and who are not in the process of being dismissed), those Defendants being Google Inc., Yahoo! Inc., and Zagat Survey LLC.

July 6, 2010

/s/ John J. Edmonds
John J. Edmonds

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

July 6, 2010

/s/ John J. Edmonds
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